

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PYROTECHNICS MANAGEMENT, INC.,)
Plaintiff,) 2:19-cv-00893-RJC
vs.)
XFX PYROTECHNICS, LLC and)
FIRETEK,)
Defendants.)

ORDER

AND NOW, this 10th day of June, 2020, upon consideration of Plaintiff's Motion for Preliminary Injunction [55] filed in the above-captioned matter on May 28, 2020, and after consultation with counsel on this date,

IT IS HEREBY ORDERED that:

1. A hearing, argument and taking of evidence and/or testimony regarding Plaintiff's Motion for Preliminary Injunction is scheduled in the above captioned matter for **August 19, 2020 at 9:00 a.m.** Said hearing shall be conducted via ZoomGov videoconferencing. More specific information regarding the videoconferencing instructions and parameters of attendance will be forthcoming. The court shall conduct a "test run" of the technology and brief status conference with counsel, and other participants if appropriate, which shall be scheduled by separate order.

2. Plaintiff is to file and serve names of proposed witnesses and a list of proposed exhibits by **August 3, 2020.** Defendants shall each file and serve names of proposed witnesses and a list of proposed exhibits by **August 10, 2020.** Presence of all counsel for and representatives of parties at this Hearing is required. All exhibits must be exchanged and marked in advance of the hearing. Copies are to be provided for the Court in binders properly labeled ("Plaintiff's Exhibits" and

“Defendants’ Exhibits”) at least (2) days in advance of the hearing, unless otherwise ordered by the Court.

3. Proposed Findings of Fact and Conclusions of Law.

a. On or before August 7, 2020, Plaintiff shall file and serve a courtesy copy (on computer disk/CD formatted in Word format, or via email to the Court’s deputy clerk), of consecutively numbered proposed findings of fact and conclusions of law. Plaintiff’s proposed findings of fact shall address each contested issue of fact remaining. Each proposed finding of fact shall be supported by clear and explicit reference to the parts of the record relied upon to support it. Each proposed conclusion of law shall be supported by citation to appropriate authority. With the proposed findings of fact and conclusions of law, Plaintiff also shall file and serve a brief in support of judgment integrating the proposed findings of fact with the proposed conclusions of law and demonstrating why the relief requested should be granted. The supporting brief shall not exceed 15 pages.

b. On or before August 14, 2020, Defendants shall file and serve a courtesy copy (on computer disk/CD formatted in Word format, or via email to the court’s deputy clerk) of consecutively numbered counter-findings of fact and consecutively numbered counter-conclusions of law, corresponding to the same numbered findings of fact and conclusions of law proposed by Plaintiff. Each proposed counter finding shall be supported by clear and explicit reference to the parts of the record relied upon to support it. Each proposed counter-conclusion shall be supported by citation to appropriate authority. With the proposed counter-findings and counter-conclusions Defendants also shall file and serve a brief in support of judgment integrating the counter-proposed findings of fact with the counter-proposed conclusions of law and demonstrating why the relief requested by defendant should be granted. The supporting brief shall not exceed 15 pages.

c. Counsel shall specify in the proposed findings or proposed counter-findings all facts to be

proved at the hearing. Proof of facts not specified may be excluded upon objection or by the Court sua sponte.

7. Joint Stipulations. In addition to the above proposed findings of fact and conclusions of law, the parties shall file consecutively numbered joint stipulations by August 14, 2020. All possible stipulations shall be made as to:

- a. Facts;
- b. Issues to be decided;
- c. The authenticity and admissibility of exhibits;
- d. Expert qualifications and reports; and
- e. Deposition testimony to be read into the record.

Counsel shall meet at a mutually convenient time and place to produce the joint stipulation in time for filing as ordered.

8. Exhibits. Because counsel will have previously marked and exchanged all exhibits and provided a copy to the Court, it will not be necessary during the trial to show exhibits to opposing counsel prior to using them.

9. Opening and Closing Statements. Up to twenty (20) minutes is permitted to each side for opening and closing statements. Counsel may use exhibits or charts in opening argument provided that the same have been provided to opposing counsel beforehand and either agreement was reached or the Court has ruled upon the matter.

10. Post-hearing Supplementation. The court will permit the filing of post-hearing briefs upon request of counsel, and, at the conclusion of the hearing, may order supplemental findings of fact and conclusions of law if appropriate.

It is so ordered.

s/ Robert J. Colville
Robert J. Colville
United States District Judge

cc/ecf: All counsel of record